

Serial No. 09/844,968
Atty Docket No.: USB-001.02
Page 12 of 15

REMARKS

This Amendment and Response are filed in reply to the Office Action dated November 7, 2003. In this Response, Applicant amends claims 1-39 to correct antecedent basis and form issues. Applicant also traverses the Examiner's rejections of claims 1-39. Support for the amendments can be found throughout the originally filed disclosure. Amendments to the claims are not an acquiescence to any of the rejections. Furthermore, silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicant considers allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicant that such previously lodged rejection is moot based on Applicant's remarks and/or amendments relative to the independent claim (that Applicant considers allowable) from which the dependent claim(s) depends. Furthermore, any amendments to the claims are being made solely to expedite prosecution of the instant application. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent application. Upon entry of the Amendment, claims 1-39 are pending in the present application.

Requests for Telephonic Interview

Because Applicant believes strongly in the allowability of the pending claims, in an attempt to expedite prosecution, several attempts were made to schedule a telephonic interview with the Examiner and the Examiner's supervisor prior to filing the present Response. Due to the impending PTO office moves, however, such interview requests could not be honored. Accordingly, in the continued interest of expediting prosecution, Applicant requests that if the Examiner considers the below remarks and yet persists in rejecting the present claims, that Applicant be afforded, at that time (i.e., prior to another Office Action), a telephonic interview to discuss the pending claims.

Serial No. 09/844,968
Atty Docket No.: USB-001.02
Page 13 of 15

The issues of the November 7, 2003 Office Action are presented below with reference to the Office Action.

With regard to the Office Action, paragraph titled "Continued Examination Under 37 CFR 1.114": Applicant thanks the Examiner for the entry of the Response filed with the RCE.

With regard to the Office Action, paragraph titled "Claim Rejections - 35 U.S.C. 112": The Examiner rejected claims 16-17, 30, 33, 35, and 38 based on 35 U.S.C. 112. As provided herein, Applicant amends the aforementioned claims to more specifically state the "means" in claims 16 and 17, and to restate the "exceeded threshold" language in claims 30, 33, 35, and 38. Based on these amendments, Applicant traverses the Examiner's 35 U.S.C. 112 rejections of claims 16-17, 30, 33, 35, and 38.

With regard to the Office Action, paragraph titled "Claim Rejections - 35 U.S.C. 102": The Examiner rejected claims 1-15 and 18-39 based on 35 U.S.C. 102(b) and "Bridge-Scour Data Management System User's Manual," by Landers et al.

Applicant notes that the Examiner did not reject claims 16 and 17 based on 35 U.S.C. 102, and thus Applicant considers claims 16 and 17 to be allowable based on the Applicant's aforementioned traversal of Examiner's 35 U.S.C. 112 rejections of claims 16 and 17. As provided herein, Applicant also considers claims 1-15 and 18-39 to also be allowable.

Applicant respectfully disagrees with the Examiner's interpretation of Landers et al. when construed against Applicant's independent claim 1. Applicant's independent claim 1 is amended to include features of Applicant's previously filed claim 13, and claims a database having stored data that includes structural data, where the stored data is associated with one or more of the artificial structures, and where *the artificial structure(s) is associated with at least one threshold*. Although Landers et al. teach a data management system that can aggregate data and provide interfaces to allow a user or another to access such data using such interfaces (e.g., page 8, Fig. 5), nowhere do Landers et al. teach Applicant's claimed feature of associating an artificial structure with at least one threshold, and thereafter, as provided in Applicant's independent claim 1, *presenting at least one warning signal associated with the artificial*

Serial No. 09/844,968
Atty Docket No.: USB-001.02
Page 14 of 15

structure(s) based on a comparison of: (i) the stored data, and (ii) the threshold(s) associated with: the at least one artificial structure and the stored data. Nowhere in Examiner's citations of Landers et al., or in any uncited portion of Landers et al., is there any teaching of Applicant's claimed thresholds, comparisons of thresholds, and/or warning signals. Accordingly, Applicant traverses the Examiner's 35 U.S.C. 102(b) rejection of independent claim 1. Applicant thus considers independent claim 1 to be allowable, and also, claims 2-15 and 18-19 which depend from allowable independent claim 1.

Applicant's independent claims 20, 25, 30, and 35 also include analogous allowable features to those described relative to allowable independent claim 1, and therefore, for these same reasons, Applicant traverses the Examiner's 35 U.S.C. 102(b) rejection of independent claims 20, 25, 30, and 35 and considers independent claims 20, 25, 30, and 35 to be allowable. Because dependent claims 21-24, 26-29, 31-34, and 36-39 depend from allowable independent claims 20, 25, 30, and 35, respectively, Applicant considers such dependent claims to also be allowable as depending from an allowable base claim.

Applicant thus traverses all of Examiner's 35 U.S.C. 102(b) rejections of claims 1-15 and 18-39.

Serial No. 09/844,968
Atty Docket No.: USB-001.02
Page 15 of 15

CONCLUSION

Applicant considers the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1241.

Respectfully submitted,

Date:

January 23, 2004

Foley Hoag LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210

Phone: 617-832-1241
Fax: 617-832-7000

Kevin A. Oliver
Kevin A. Oliver
Reg. No. 42,049